IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13113 OF 1996

Between:

H.Subrahmanyam, s/o M.Ramnath,

Aged about 40 years, working as Secondary

Grade Assistant, Sri Vidyaranya English

Medium School, Ananthapur District & PO.

..... PETITIONER

AND

1. The District Educational Officer,

Ananthapur.

2. The Secretary&Correspondent,

Sri Vidyaranya English Medium School,

Ananthapur

3. The Director of School Education,

Government of AP, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the inaction of the respondents in admitting the petitioner to grant-in-aid in

the existing sanctioned vacancy of Secondary Grade Assistant w.e.f the date of his appointment as Secondary Grade Assistant in the 2nd respondent school as illegal, irregular, arbitrary, unjustified, unconstitutional, contrary to the relevant Act and Rules and unsustainable and direct the respondents to admit the petitioner to the grant-in-aid post duly approving the said appointment forthwith giving all financial benefits w.e.f. the date of his appointment in the 2nd respondent school.

For the Petitioner: Mr. P. Veera Reddy, Advocate

For the Respondent No.1&3: Government Pleader for School Education

For the Respondent No.2: Mr. Deepak Bhattacharjuee, Advocate

The Court Made the Following :

:: ORDER ::

Claiming continuous service in an unaided post of Secondary Grade Assistant in the 2nd respondent-school since 1989, the petitioner sought admission to a grant-in-aid post, which was sanctioned in GO Ms No. 89 Education Department, dated 19.3.1994. The respondents have not acceded to his request and have not accommodated him in the grant-in-aid post on the ground that his appointment itself was contrary to the rules of recruitment of Secondary Grade Assistants even to an unaided post, issued in G.O Ms.No. 524 Education (Rules) Department dated 20.12.1988, which have been published in the AP Gazette dated 7.1.7989.

Admittedly the petitioner was appointed on 7.7.89 after the publication of the Rules in GO Ms No 524 and without following the mandatory provisions of those rules. In the circumstances the official respondents have declined to admit the petitioner to the grant-in-aid post. This court finds no revisable error in the decision of the respondents, warranting exercise of jurisdiction u/Art. 226 of the Constitution. There are no merits in the writ petition, which is accordingly dismissed.

Dismissal of this writ petition however does not come in the way of the respondents considering the case of the petitioner for absorption in a grant-in-aid post, within the legitimate plenitude of its discretion in accordance with law.

No order as to costs.

Date: 30.09.2004 ----------

Pvsn Justice G.Raghuram

Copy to

1. The District Educational Officer,

Ananthapur.

2.The Director of School Education,

Government of AP, Hyderabad.

3.The Secretary&Correspondent,

Sri Vidyaranya English Medium School,

Ananthapur (P.O. & Dist)

4. Two copies to the Government Pleader for School Education,

High Court buildings, Hyderabad, (OUT)

5. 2 CD copies.